

MONICA ESTILETTE AND
DONALD ESTILETTE

CIVIL DOCKET NO.

13-C-3695-C

VERSUS

13TH JUDICIAL DISTRICT COURT

DOLLAR GENERAL CORPORATION
AND/OR DOLGENCORP LLC.,

ST. LANDRY PARISH, LOUISIANA

PETITION FOR DAMAGES

Now into court, through undersigned counsel comes plaintiffs, **MONICA ESTILETTE AND DONALD ESTILETTE** persons of full age of majority and are domiciled in the Parish of St. Landry, and with respect represents:

1.

Made defendant(s) herein are:

DOLLAR GENERAL CORPORATION AND/OR DOLGENCORP, LLC, a domestic corporation who can be served through its agent for service of process; and

ABC INSURANCE, a foreign insurance company, authorized to do business in the State of Louisiana, who can be served through its agent for service of process, Secretary of State.

2.

Defendants are jointly, severally, and in solido liable unto plaintiff for the damages complained of herein for the following reasons, to wit:

3.

On or about August 12, 2012 plaintiffs **MONICA ESTILETTE AND DONALD ESTILETTE** were customers at the Dollar General in Port Barre, St. Landry Parish, Louisiana.

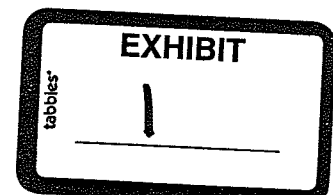
4.

On information and belief, Dollar General is run owed and/or operated by **DOLLAR GENERAL CORPORATION** and is insured by **ABC Insurance Company**.

St. Landry Parish Clerk of Court's Office
Filed August 8 2013

[Signature]
Dy. Clerk

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ST. LANDRY PARISH CLERK OF COURT



5.

On August 12, 2012 plaintiff **MONICA ESTILETTE** was in the store shopping pushing a buggy when she slipped and did a complete split and landed on her rear, a substance on the floor caused her to slip and fall and injured her back, legs, buttock and other parts of her body and caused the need for surgical intervention herein.

6.

The substance is believed to be soap a type of detergent on the floor and was on the floor for an unreasonable amount of time and, therefore, rendered the premises unreasonably dangerous.

7.

The owner and defendants herein knew or should have known of the presence of the substance which, on information and belief, the substance had been on the floor for quite some time.

8.

On information and belief, there were no attempts to clean the substance nor to warn customers in the store rendering said floor unreasonably dangerous to customers.

9.

The damages sustained by plaintiff were caused solely by the negligence of defendants, **DOLLAR GENERAL CORPORATION AND ABC INSURANCE COMPANY** and/or their agents and employees in the following non-exclusive particulars:

- A. In failing to keep the floor of the building clean and in a reasonably safe condition for their customers;
- B. In allowing a slippery and/or muddy substance to be located upon the floor in the direct path wherein customers traverse and specifically are required to traverse to gain access to the shopping areas.
- C. In failing to do what they should have done and see what they should have seen;
- D. In not properly warning plaintiff and the public in general of the dangerous nature of the nature of the floor and the slippery area and in failing to correct said dangerous situation.
- E. Other acts of negligence which will be shown through the discovery or at the trial of this matter, including defendant's employees not correcting this danger in a reasonable amount of time;

- F. In not having and/or enforcing a plan to inspect and clean slippery areas on the floor prior to this incident.

10.

At all material times herein **ABC INSURANCE COMPANY** had in full force and effect a policy of liability insurance and/or commercial liability insurance covering defendants for their negligence, actions, and/or inactions in the kind of the kind and nature asserted herein.

11.

The above described accident caused serious personal injuries to plaintiff and loss of consortium and services to plaintiff's husband and were very painful and have required extensive medical care and will continue to require medical care and surgery in the future.

12.

Plaintiff, **MONICA ESTILETTE**, suffered severe injuries to her back, knees and other parts of her body and itemized her claim for damages as follows:

- A. Physical pain and suffering, past and future;
- B. Mental anguish, past and future;
- B. Mental suffering past and future;
- C. Medical expenses, past and future;
- D. Loss of enjoyment of life;
- E. Permanent disability and/or disfigurement;
- F. Any other general damages recoverable under Louisiana Law;
- G. Loss of earning capacity;

13.

Because of the negligence of defendants, **DONALD ESTILETTE** suffered injuries which include loss of consortium, society and services, as he is married to plaintiff, **MONICA ESTILETTE**.

WHEREFORE, PLAINTIFFS MONICA ESTILETTE AND DONALD ESTILETTE
PRAY that there be judgment herein and in their favor against **DOLLAR GENERAL CORPORATION AND ABC INSURANCE COMPANY** either individually or in the alternative

STATE OF LOUISIANA

MONICA ESTILETTE ETAL

vs

DOLLAR GENERAL
CORPORATION ETAL

27th JUDICIAL DISTRICT COURT

PARISH OF ST. LANDRY

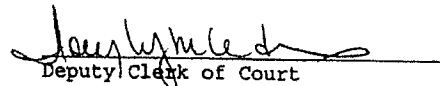
CIVIL NO. 13-c-3695-c

TO THE DEFENDANT DOLLAR GENERAL THROUGH THE VIA LONG ARM STATUTE

You are hereby summoned to comply with the demand contained in the petition/of which a true and correct copy (exclusive of exhibits) accompanies this citation, or make an appearance, either by filing a pleading or otherwise, in the 27th Judicial District Court in and for the Parish of St. Landry, State of Louisiana, within THIRTY (30) days after the service hereof, under penalty of default.

Witness the Honorable the Judges of said Court, this 8TH day of AUGUST, A. D. 2013.

Issued and delivered AUGUST 9TH, 2013


Deputy Clerk of Court

REQUESTED BY: JONATHAN C. VIDRINE